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Engin  
12425 W



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Phone 623-583-6025  
Fax 623-583-0721  
TTY 623-875-4208

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AZ CORP COMMISSION  
DOCUMENT CONTROL

May 25, 2005

Mr. Don Thompson  
Arizona Corporation Commission  
Railroad Safety Section  
1200 West Washington Street  
Phoenix, Arizona 85007 RR-02635B-05-0283

***Re: BNSF Railroad crossing at Bell Road and Grand Avenue***

Dear Mr. Thompson:

The City of Surprise gave notice pursuant to the terms of the May 18, 2005 Procedural Order to BSNSF and to ADOT.

Thank you,

Nicholas D. Mascia, P.E.  
Traffic Engineer

Arizona Corporation Commission

DOCKETED

JUN 01 2005

DOCKETED BY	KD
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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 JEFF HATCH-MILLER, Chairman  
4 WILLIAM A. MUNDELL  
5 MARC SPITZER  
6 MIKE GLEASON  
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF  
9 THE CITY OF SURPRISE TO UPGRADE AN  
10 EXISTING CROSSING OF THE BURLINGTON  
11 NORTHERN AND SANTA FE RAILWAY AT  
12 BELL ROAD AND GRAND AVENUE, IN THE  
13 CITY OF SURPRISE, MARICOPA COUNTY,  
14 ARIZONA, AT AAR/DOT NO. 025-392-A.

DOCKET NO. RR-02635B-05-0283

PROCEDURAL ORDER

15 **BY THE COMMISSION:**

16 On April 18, 2005, the City of Surprise ("City") filed with the Arizona Corporation  
17 Commission ("Commission") a request for approval for the Burlington Northern and Santa Fe  
18 Railway Company ("Railroad") to upgrade an existing crossing at the Railroad's tracks at Bell Road  
19 and Northern Avenue in Surprise, Arizona, at AAR/DOT No. 025-392-A.

20 IT IS THEREFORE ORDERED that the request of the City shall be considered an application  
21 for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

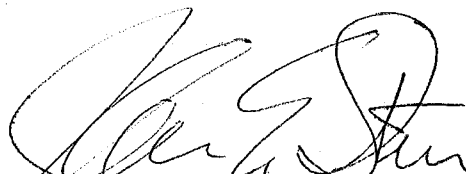
22 IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this  
23 proceeding.

24 IT IS FURTHER ORDERED that the hearing on the application shall be held on May 18,  
25 2005 at 10:30 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West  
26 Washington Street, Phoenix, Arizona.

27 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural  
28 Order, the City of Surprise shall provide the Railroad and any other municipality or interested party  
that may be affected by the application with a copy of the application and this Procedural Order by  
certified mail.

IT IS FURTHER ORDERED that the CITY OF SURPRISE SHALL FILE WITH THE COMMISSION'S DOCKET CONTROL AN ORIGINAL AND THIRTEEN (13) COPIES OF PROOF OF COMPLIANCE with this Procedural Order concurrently with the mailing of notice ordered herein.

DATED this 27<sup>th</sup> day of April, 2005

  
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 27<sup>th</sup> day of April, 2005 to:

John Syers  
Railroad Engineering Coordinator  
Arizona Department of Transportation  
205 S. 17<sup>th</sup> Avenue, Mail Drop 618E  
Phoenix, AZ 85007

Christopher Kempsey, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007


Colleen Deines, Manager  
Public Projects  
BNSF  
740 East Carnegie Drive  
San Bernardino, CA 92408

Don Thompson  
Railroad Safety Section  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

David Gibson  
ADOT  
Traffic Records Section  
206 S. 17<sup>th</sup> Avenue, MD-064R  
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.  
2627 North Third Street, Ste. Three  
Phoenix, AZ 85004-1103

Nicholas E. Mascia  
Traffic Engineer  
12425 West Bell Road, Ste. D-100  
Surprise, AZ 85374

By:   
Molly Johnson  
Secretary to Marc Stern

• Application Packet ∴ Copy  
• Adot Contact

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 JEFF HATCH-MILLER, Chairman  
4 WILLIAM A. MUNDELL  
5 MARC SPITZER  
6 MIKE GLEASON  
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF  
9 THE CITY OF SURPRISE TO UPGRADE AN  
10 EXISTING CROSSING OF THE BURLINGTON  
11 NORTHERN AND SANTA FE RAILWAY AT  
12 BELL ROAD AND GRAND AVENUE, IN THE  
13 CITY OF SURPRISE, MARICOPA COUNTY,  
14 ARIZONA, AT AAR/DOT NO. 025-392-A.

DOCKET NO. RR-02635B-05-0283

**PROCEDURAL ORDER**

15 **BY THE COMMISSION:**

16 On April 18, 2005, the City of Surprise ("City") filed with the Arizona Corporation  
17 Commission ("Commission") a request for approval for the Burlington Northern and Santa Fe  
18 Railway Company ("Railroad") to upgrade an existing crossing at the Railroad's tracks at Bell Road  
19 and Northern Avenue in Surprise, Arizona, at AAR/DOT No. 025-392-A.

20 On April 27, 2005, by Procedural Order, a hearing was scheduled for May 18, 2005. The City  
21 was ordered to provide public notice to the Railroad and any other municipality or interested party  
22 with a copy of the application and the Procedural Order by Certified Mail.

23 On May 18, 2005, the hearing was convened before a duly authorized Administrative Law  
24 Judge of the Commission at its offices in Phoenix, Arizona. At the outset of the proceeding, counsel  
25 for the Commission's Railroad Safety Section indicated that the City had not provided public notice  
26 as ordered and requested that the proceeding be continued to a later date so that public notice could  
27 be provided by the City.

28 Accordingly, the hearing should be continued and the City should give public notice pursuant  
to the terms of this Procedural Order.

IT IS THEREFORE ORDERED that the request of the City shall be considered an application  
for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

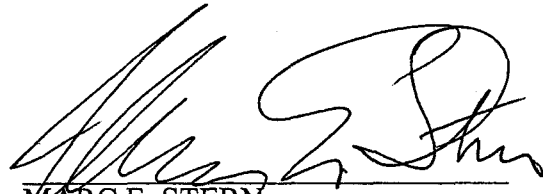
IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this  
proceeding.

IT IS FURTHER ORDERED that the **hearing** on the application shall be continued from May 18, 2005, to **June 8, 2005 at 10:45 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, the City of Surprise shall provide the Railroad and any other municipality or interested party that may be affected by the application with a copy of the application and this Procedural Order by certified mail.

IT IS FURTHER ORDERED that the **CITY OF SURPRISE SHALL FILE WITH THE COMMISSION'S DOCKET CONTROL AN ORIGINAL AND THIRTEEN (13) COPIES OF PROOF OF COMPLIANCE** with this Procedural Order concurrently with the mailing of notice ordered herein.

DATED this 18<sup>TH</sup> day of May, 2005

  
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 18 day of May, 2005 to:

John Syers  
Railroad Engineering Coordinator  
Arizona Department of Transportation  
205 S. 17<sup>th</sup> Avenue, Mail Drop 618E  
Phoenix, AZ 85007

Christopher Kempley, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

Colleen Deines, Manager  
Public Projects  
BNSF  
740 East Carnegie Drive  
San Bernardino, CA 92408

Don Thompson  
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ARIZONA CORPORATION COMMISSION  
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Phoenix, Arizona 85007

David Gibson  
ADOT  
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Phoenix, AZ 85007

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2627 North Third Street, Ste. Three  
Phoenix, AZ 85004-1103

Nicholas E. Mascia  
Traffic Engineer  
12425 West Bell Road, Ste. D-100  
Surprise, AZ 85374

By:

  
Molly Johnson  
Secretary to Marc Stern

UNITED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

7099 3220 0008 5748 1560

Article Sent To:

COLLEEN DIANES BNSF  
SAN BERNARDINO CA 92408

Postage	\$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42

UNIT ID: 0321



Name (Please Print Clearly) (To be completed by mailer)

COLLEEN DIANES BNSF  
740 E. Carnegie Dr  
San Bernardino CA 92408

PS Form 3800, July 1999 See Reverse for Instructions

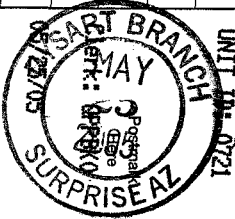
7099 3220 0008 5748 1553

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only: No Insurance Coverage Provided)

Article Sent To:

HELEN AZ 85007  
261 ADOT

Postage	\$ 0.37
Certified Fee	2.35
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.47



Name (Please Print Clearly) (To be completed by mailer)

DDAN 5440 ADOT  
Street, Apt. No. or P.O. Box No.  
205 S. 17th Ave  
City, State, ZIP+4  
PHX AZ 85007

PS Form 3800, July 1999

See Reverse for Instructions